

## **EAST PALESTINE COUNCIL - REGULAR MEETING - JULY 9, 2012 - 7 PM - PARK COMMUNITY CENTER**

Mayor Zuch called the meeting to order. Present were Ellen Beagle, Don Elzer, Fran Figley, Jim Tyger and Endia Wissner. Scott Rauch arrived at approximately 7:15 p.m. Minutes of the June 25, 2012 meeting were approved on a motion by Mr. Elzer, seconded by Mr. Figley. All in favor, motion carried. The monthly department reports were presented for approval. Mr. Elzer asked about the new home built in January on the Building and Zoning report. Mayor Zuch said that it was Tony and Amy Fosters home that was built on Conners Dr. Mr. Elzer made a motion to approve the June department reports, seconded by Mr. Tyger. All in favor, motion carried.

**AGENDA ITEMS:** Dr. Venus Wittenauer to speak on a permit issue for a parking lot on her property at 40 S. Walnut St. She wants a building permit for a parking lot for her patients. She is not planning on paving the parking lot until next year. She is having a dispute with her neighbor; she would at least like the permit for her property only. Dr. Wittenauer stated that according to her deed and a title search done this year, that there is already a right of way. 5 feet on her property and 5 feet on her neighbor's property that is to be shared. She requested from the neighbor evidence that he had done a title search and he would not provide her with that because he said he wanted her to stay off of his property. She stated she could do a title search on his property and prove that the right of way is on his deed, she would like to pave the entire area. She does not want to leave a 3 ft strip unpaved and she also could not control the drainage and water issue if that section isn't paved. She wants council's help because she feels if she can prove the right of way is on the neighbor's property, she doesn't want to have to go to court to prove something that's already filed. Mayor Zuch stated the neighbor was concerned about the water issue but he was also concerned about the possibility of people backing into his house coming in and out of the parking lot because it is so close. Dr. Wittenauer then stated they could put a type of berm there. She also stated that according to the easement she owns 1ft of his house and he is supposed to pay half of the paving cost in the right of way but she isn't asking for that. It's very tight and she said he only has 3 ft from his house and doesn't know what he could do with that. Mr. Elzer asked if this issue is something the Planning Commission should be involved in. Mr. Figley said that right now she is going to stay on her own property so there is no problem. Dr. Wittenauer said that is correct but she thinks that when the time comes to pave, he will give her problems. Atty. Smith said that all that is needed is an amended permit showing just her property.

Dennis Scott Wallace to speak on TWL Landfill. He asked for help with the Negley landfill. He stated they have submitted paperwork for a municipal landfill and if that happens he will lose his aquaculture business. He stated he has documented fraud that allowed this landfill to come in and he is giving it to the Village Atty. He stated they are destroying 400 acres of wildlife habitat that has a huge aquifer system that they will not admit to. He said they claim we have no year round streams that go into waters of the state, but Mr. Wallace said all of our streams are year round that go into waters of the state. He said the State and County have documents to prove that. He said if he loses his business he will sell out to them and if he does that will bring them right up to the Middleton Township line. He said the evidence has been given to the Environmental Appeals Committee, but they won't see them until July 2013. He said if this goes thru, investment firms from Texas and Canada have signed on to dump their drilling waste there. Also municipal waste and almost anything else can be dumped there. He said you would be able to smell it everywhere for the next 60 years. Mayor Zuch asked what he needed from council. Mr. Wallace stated he needs council's support, for them to go to the county and try to get this stopped until they can get to the Environmental Appeals Committee. He also stated that the E.A Committee always agrees with the EPA. He stated that there is also documentation that individuals from the EPA are involved in this fraud. There was a toxic leachate outbreak on RT 170 two years ago that is still running. The EPA gave them a permit to discharge the leachate onto and across Dan Fillipinis property into waters of the state. Mr. Wallace said it's illegal for them to do that. There has already been major contamination and there is going to be much more if this goes thru. Mr. Elzer asked if all of this is true, why isn't the EPA stopping it? Mr. Wallace said TWL are dealing with the EPA out of Twinsburg and they are fraudulent. He stated there are people manipulating this situation because they make their money from the tipping fees at this dump (The EPA). Mr. Wallace said the majority of the money from this landfill goes to the ODNR. Mr. Figley asked what the total tipping fee was, and John Herbert said he thought it was \$105,000 for 5 years. A woman in the audience said the State and the EPA make a lot more than Middleton Township, upwards of \$10,000,000 a year. Mr. Wallace said they could relocate and still make money and not destroy the agriculture here, but if they stay they will destroy a huge habitat. He said they assessed our streams and that nothing was alive. Mr. Wallace and John Herbert re-assessed the same streams. He stated that Mr. Herbert found a two-lined salamander and he found 4 different micro-invertebrates that classify it as a class 3 stream. He said the EPA marked the streams as seeps; which means no one can get remedy. We can't go to court and say they stole our streams because they say we don't have any. Mr. Wallace said he would have a packet with all of the detailed information for the Law Director on Thursday.

### **NO CLERK OR MAYORS REPORT**

**MANAGER:** Manager Monteleone said the 4<sup>th</sup> of July went great and thanked the Chamber of Commerce, Fire Dept, Police, Street and Park for all of their work.

**LAW DIRECTOR:** Atty Smith stated there is legislation for the Wood, Garfield, and Alice paving project and legislation to accept the bid for the asphalt grindings at Clark St. Fire Station. Atty Smith said she was at Founders Day in Poland on the 29<sup>th</sup> and said she heard many people talking about East Palestines new fire truck. She said East Palestines new truck stood out in the parade and that everyone should be proud of that.

### **STREET COMMITTEE: NO REPORT**

**SAFETY/PARK/REC/CEMETERY:** Mr. Rauch was not present at this time.

**DEVELOPMENT COMMITTEE:** Mr. Elzer thanked everyone for the 4<sup>th</sup> of July and said Mrs. Wissner did a great job. Mr. Figley and Mayor Zuch also said it was a lot of fun and the Park looked great.

**UTILITY COMMITTEE: NO REPORT**

**FINANCE COMMITTEE:** Mr. Tyger requested the budget meeting be moved to a later date. It will now be August 27 one hour prior to the regular council meeting at 6p.m. Mr. Tyger asked the Finance Director where things stood with the ambulance billing. She stated that the whole batch was submitted for re-imbusement from Medicare and should be receiving a large check soon. Mr. Elzer asked about the annual auditors report. He said it looked favorable. Thompson stated that it was a clean audit. Mr. Tyger stated he would like more time to look it over and Thompson said that could be discussed at the budget meeting in August.

**VISITORS COMMENTS ON CURRENT LEGISLATION:** John Rettig stated he thought he was the high bidder for the asphalt grindings but said he had two bids in. One for just the grindings and one for the grindings and to grade and clean up the lot afterwards. He wanted to know which bid was accepted. Mr. Figley stated that the Village is going to clean the lot afterwards and the accepted bid was just for the grindings.

**VISITORS:** D. Scott Wallace, Traci Thompson, Tiffany Inman, Dave Biggins, Chuck McGuire, Dan Scott, Merle Stewart, Jon Rettig Jr., Jerry Coblentz, John & Bonnie Davis, Tami & Bob Harris, Teri Rauch, Laura Beight, Chief Dickey, Emery Coon, John & Dot Herbert, Dr. V. Wittenauer, Shirley Wilson, Brent Wilson, Dave & Michelle Vargo, Rich Bolon, Pam Figley and Dianna Elzer.

**LEGISLATION:** Ms. Beagle introduced **ord. 17-2012** and made a motion that it be read by title only. Seconded by Mr. Elzer. All in favor. **An ordinance providing for the authorization of the interim municipal manager to enter into, and accept a contract with R.T. Vernal Paving Company, inc as to the Wood St., Garfield Ave, and Alice St. paving project, and declaring an emergency.** At this point the Finance Director stated that there would be a loan taken out for this and there will be legislation for it at the next meeting. The interest rate will be 2.85% and payments will be approximately \$39,000 a year for 3 years. Mr. Elzer asked how much would be left out of the levy money after those payments and asked how much the levy brings in a year. Thompson stated it brings in approximately \$292,000 a year. Ms. Beagle made a motion to suspend the rules and declare this an emergency, seconded by Mr. Elzer. All in favor. Ms. Beagle called for a vote on **ord. 17-2012.** Ms.Beagle-y, Mr. Elzer-y, Mr. Figley-y, Mr. Tyger-y, Mrs. Wisser-y. (Mr. Rauch abstained as he lives on Garfield Ave.) Motion Carried.

Ms. Beagle introduced **ord. 18-2012** and made a motion that it be read by title only, seconded by Mr. Elzer. All in favor. **An ordinance providing for the authorization of the interim municipal manager to enter into and accept a sales contract with Jon Rettig Jr. as to the sale of approximately 40 loads of asphalt grinds, and declaring an emergency.** Ms. Beagle made a motion to suspend the rules and declare an emergency. All in favor. Ms. Beagle called for a vote on **ord. 18-2012.** Ms. Beagle-y, Mr. Elzer-y, Mr. Figley-y, Mr. Rauch-y, Mr. Tyger-y, Mrs. Wisser-y. All in favor, motion carried. Mr. Elzer made a motion to go into executive session to discuss legal matters, seconded by Mr. Rauch. Mayor Zuch stated there would be no further business conducted after executive session. The meeting was adjourned on a motion by Mr. Rauch seconded by Mr. Tyger.

**SIGNED:**\_\_\_\_\_ **MAYOR MARGO ZUCH**

**ATTEST:**\_\_\_\_\_ **MISTI J. MARTIN-CLERK**